

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

B&G Foods North America, Inc.,

Plaintiff,

v.

Kim Embry, et al.,

Defendants.

No. 2:20-cv-00526-KJM-DB

ORDER

Following this court's order granting defendants' motion to dismiss with limited leave to amend, *see* Prior Order (Nov. 3, 2022), ECF No. 56, plaintiff filed a second amended complaint (SAC), *see* Second Am. Compl., ECF No. 57. Defendants' response to the complaint is due on December 7. They request *ex parte* the deadline be extended to January 20, 2023, because they plan to seek sanctions under Rule 11, which requires a 21-day safe harbor between serving and filing a motion. *See* Ex Parte Appl., ECF No. 59. Plaintiff opposes for several reasons and requests the court order defendants to show cause why they should not be sanctioned for the *ex parte* application. *See* Opp'n, ECF No. 60.

The court has reviewed the parties' filings, and good cause appearing, grants defendants' request to extend their deadline to respond to the SAC. Defendants must file their response and motion for sanctions by January 13, 2023, with a hearing noticed for February 17, 2023 at 10:00 a.m. before the undersigned.

1 This order resolves ECF No. 59.

2 IT IS SO ORDERED.

3 DATED: December 5, 2022.

4



CHIEF UNITED STATES DISTRICT JUDGE